

REMARKS

Claims 1 to 12 are amended, claims 18 to 25 are added; as a result, claims 1 to 12, and 18 to 25 are now pending in this application.

Examiner Interview Summary

On July 9, 2009, Applicant had a telephone conversation with the Examiner, Ricky Chin, to discuss the current status of the application. Applicant thanks the Examiner for taking the time to indicate that Applicant is to file a response including, at least in summary form, how the amended claims and new claims are distinguished from the references applied in the Final Office Action. Applicant satisfies this requirement in this correspondence.

Double Patenting Rejection

Claims 1 - 12 were rejected under a non-statutory double patenting rejection, specifically over claims 1-5 of U.S. Patent No. 7,079,176, in view of Wolzien (U.S. Patent No. 5,761,606). Applicant does not admit that the claims are obvious in view of U.S. Patent No. 7,079,176, in view of Wolzien (U.S. Patent No. 5,761,606). On February 17, 2009 Applicant filed a Terminal Disclaimer in compliance with 37 C.F.R. 1.321(b)(iv) to obviate these rejections and expedite allowance of this application.

Claims 1-12 were rejected under a non-statutory double patenting rejection, specifically over claims 1-5 of co-pending Application with Serial No. 10/126,480, in view of Wolzien (U.S. Patent No. 5,761,606). Applicant does not admit that the claims are obvious in view of co-pending Application with Serial No. 10/126,480, in view of Wolzien (U.S. Patent No. 5,761,606). On February 17, 2009 Applicant filed a Terminal Disclaimer in compliance with 37 C.F.R. 1.321(b)(iv) to obviate these rejections and expedite allowance of this application.

§103 Rejection of the Claims

Claims 1-4 and 8-12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bennett (U.S. Patent No. 5,068,733) in view of Harper et al. (U.S. Patent No. 5,585,858) and further in view of Wolzien (U.S. Patent No. 5,761,606).

Claims 5-7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bennett (U.S. Patent No. 5,068,733) in view of Harper et al. (U.S. Patent No. 5,585,858) and further in view of Wolzien (U.S. Patent No. 5,761,606) as applied to claim 1, and in further view of Wachob (U.S. Patent No. 5,231,494).

Claims 1-4 and 8-12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bennett (U.S. Patent No. 5,068,733) in view of Hoarty (U.S. Patent No. 5,412,720) in further view of Barstow et al. (U.S. Patent No. 5,189,630) and further in view of Wolzien (U.S. Patent No. 5,761,606).

Claims 5-7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bennett (U.S. Patent No. 5,068,733) in view of Hoarty (U.S. Patent No. 5,412,720) in view of Barstow et al. (U.S. Patent No. 5,189,630) and further in view of Wolzien (U.S. Patent No. 5,761,606) as applied to claim 1, and in further view of Wachob (U.S. Patent No. 5,231,494).

Applicant herein amends claims 1-12 and adds new claims 18-25 in the present application. The amendments to claims 1-12 are found at least in Applicant's originally filed specification, page 6, last paragraph. Support for the new claims is found at least in Applicant's originally filed specification on page 24, second paragraph, on page 35, second full paragraph, on page 14, last paragraph, on page 41 first full paragraph, on page 42, second paragraph, and on page 33, last paragraph.

The amended claims 1-12, and the new claims 18-25 recite the limitation "a viewer interface to receive user input from a viewer, said user input from said viewer requested as an interrogatory when an interactive program begins or when said viewer first tunes in said interactive program." The applied references, considered in isolation or combination, fail to

AMENDMENT AND RESPONSE UNDER 37 C.F.R. § 1.116 - EXPEDITED PROCEDURE

Serial Number: 10/765,044

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Title: DIGITAL INTERACTIVE SYSTEM FOR PROVIDING FULL INTERACTIVITY WITH LIVE PROGRAMMING EVENTS

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teach or suggest such limitations. Therefore, Applicant respectfully submits that the amended claims and the new claims are patentable over the applied references. Applicant believes to have responded to each and every rejection and objection presented in the Final Office Action dated Nov. 17, 2008.

Applicant respectfully submits that the claims are in a condition for allowance. Applicant respectfully requests reconsideration of the pending claims 1-12 and consideration of the new claims 18-25.

AMENDMENT AND RESPONSE UNDER 37 C.F.R. § 1.116 - EXPEDITED PROCEDURE

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CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's representative at (206) 420-2534 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date July 14, 2009

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 15, 2009.

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Signature